

ENROLLED ORIGINAL

AN ACT
D.C. ACT 18-79

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 20, 2009*Codification
District of
Columbia
Official Code*

2001 Edition

2009 Summer
Supp.West Group
Publisher

To amend, on a temporary basis, Chapter 10 of Title 47 of the District of Columbia Official Code to exempt from taxation certain property owned or ground leased by KIPP DC, a nonprofit corporation, or by KIPP DC – Douglass QALICB, Inc., a subsidiary of KIPP DC.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “KIPP DC – Douglass Property Tax Exemption Temporary Act of 2009”.

Sec. 2. Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation to read as follows:

“47-1081. KIPP DC – Douglass Property; Lot 950, Square 5872.”.

(b) A new section 47-1081 is added to read as follows:

“§ 47-1081. KIPP DC – Douglass Property; Lot 950, Square 5872.

“(a) The real property located at 2600-2620 Douglas Road, S.E., and described as Lot 950, Square 5872, shall be exempt from real property and possessory interest taxation so long as the real property continues to be owned or ground leased by KIPP DC or KIPP DC – Douglass QALICB, Inc.

“(b) Any transfer, assignment, or other disposition of all or any portion of the real property, including an assignment of a leasehold interest in the real property or a sublease of the real property, between KIPP DC and KIPP DC – Douglass QALICB, Inc., shall be exempt from recordation taxation pursuant to Chapter 11 of Title 42 and transfer taxation pursuant to Chapter 9 of this title.”.

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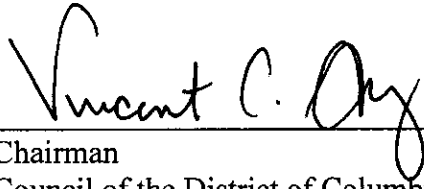
Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

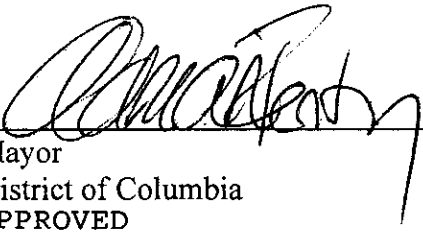
Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
May 20, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-80

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 20, 2009*Codification
District of
Columbia
Official Code*

2001 Edition

2009 Fall
Supp.West Group
Publisher

To provide, on a temporary basis, that a parent may surrender a newborn infant, where there is no actual or suspected abuse or neglect, to an authorized receiving facility without being charged with abuse, neglect, or abandonment of the newborn infant, to require hospitals to accept a surrendered newborn infant, to provide for further placement with the Child and Family Services Agency, to provide for the relinquishment and restoration of parental rights, to provide immunity to a facility and personnel receiving a surrendered newborn infant, and to require the Mayor to promulgate rules to implement this act and to submit the proposed rules to the Council for approval.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Newborn Safe Haven Temporary Act of 2009".

Sec. 2. Definitions.

For the purposes of this act, the term:

- (1) "Authorized Receiving Facility" means a hospital, or other place authorized by the Mayor, by rule, to accept a newborn for surrender pursuant to this act.
- (2) "CFSA" means the Child and Family Services Agency.
- (3) "Newborn" means an infant that a licensed physician or other person authorized to accept the surrender reasonably believes is 7 days old or less.
- (4) "Surrender" means to bring a newborn to an Authorized Receiving Facility during its hours of operation, and to leave the newborn with personnel of the Authorized Receiving Facility.

Sec. 3. Surrendering.

(a) Except when there is actual or suspected child abuse or neglect, a parent who surrenders a newborn shall have the right to remain anonymous and to leave the place of surrendering at any time and shall not be pursued by any person at the time of surrender or prosecuted for surrendering the newborn.

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(b) Surrendering a newborn in accordance with this act, and rules promulgated pursuant to this act, shall not, by itself, constitute a basis for a finding of abuse, neglect, or abandonment of a newborn.

(c) The Authorized Receiving Facility personnel receiving the surrendered newborn shall make a reasonable effort to obtain family and medical history from the surrendering parent, on an anonymous basis, without seeking personal information, such as the identity or address, and to provide to the surrendering parent information on adoption and counseling services.

(d) The Authorized Receiving Facility personnel receiving the surrendered newborn shall file a written statement with the CFSA, on or before the time CFSA assumes physical custody of the newborn, that includes the date, time, and circumstances of the surrender.

Sec. 4. Signage.

An Authorized Receiving Facility shall post a sign in a conspicuous place on the exterior of the facility that states in plain terms that a newborn may be surrendered at the facility in accordance with this act.

Sec. 5. Placement.

(a) After the surrendering of a newborn, an Authorized Receiving Facility that is not a hospital shall transport the newborn to the nearest hospital as soon as transportation can be arranged.

(b)(1) The act of surrendering shall constitute implied consent for the hospital to which the newborn is surrendered, or to which the newborn is transported, and the hospital's medical personnel and physicians, to treat and provide care for the newborn and arrange for further placement with CFSA.

(2) Hospital personnel shall immediately contact CFSA to report the surrender of the newborn and arrange for transport of the newborn to CFSA, which shall take place within 23 hours.

Sec. 6. Parental rights.

(a) Notwithstanding section 6(b) of An Act To regulate the placing of children in family homes, and for other purposes, approved April 22, 1944 (58 Stat. 193; D.C. Official Code § 4-1406(b)) ("placement act"), there shall be no 72-hour period prior to relinquishment under this act. A relinquishment of parental rights shall take place upon surrender. Upon CFSA's receipt of the statement required by section 3(d), CFSA shall take immediate care, custody, and control of the surrendered newborn.

(b) A relinquishment of parental rights under this act may be revoked and parental rights restored in accordance with section 6(c) and (d) of the placement act.

ENROLLED ORIGINAL

(c) Within 20 days after the expiration of the 10-day revocation period provided for in section 6(c) of the placement act, CFSA shall file a form acknowledging the surrender, along with a copy of the statement required by section 3(d), with the Family Court of the Superior Court of the District of Columbia.

Sec. 7. Immunity from liability.

(a) An Authorized Receiving Facility and the personnel of an Authorized Receiving Facility shall be immune from civil or criminal liability for the good faith performance of responsibilities under this act, including liability for the failure to file a report that might otherwise be incurred or imposed on a person required to report suspected incidents of child abuse or neglect under section 2 of An Act To provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children, approved November 5, 1966 (80 Stat. 1354; D.C. Official Code § 4-1321.02).

(b) In any civil or criminal proceeding brought under this act concerning a surrendered newborn, good faith shall be presumed unless rebutted.

Sec. 8. Rules.

The Mayor shall issue rules to implement the provisions of this act. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding days of Council recess. If the Council does not approve or disapprove the proposed rules, by resolution, within the 45-day review period, the proposed rules shall be deemed approved.

Sec. 9. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

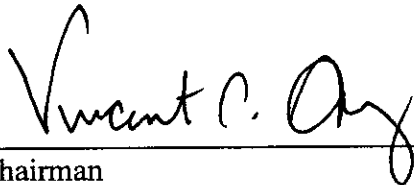
Sec. 10. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

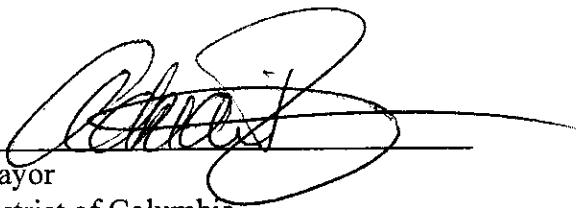
ENROLLED ORIGINAL

December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
May 20, 2009

ENROLLED ORIGINAL

AN ACT
D.C. ACT 18-81

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 22, 2009*Codification
District of
Columbia
Official Code*

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Publisher

To amend, on a temporary basis, the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to require that any term employee, in the Department of Parks and Recreation, serving more than 4 consecutive term appointments shall be converted to a career service employee.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Department of Parks and Recreation Term Employee Appointment Temporary Amendment Act of 2009".

Sec. 2. Section 801(a) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-608.01(a)), is amended by adding a new paragraph (6A) to read as follows:

*Note,
§ 1-608.01*

"(6A) The position of a term employee in the Department of Parks and Recreation, paid by local appropriated funds and performing permanent services, that is renewed for more than 4 consecutive term appointments shall be converted to a career service employee position, subject to all laws regulating employee competition."

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

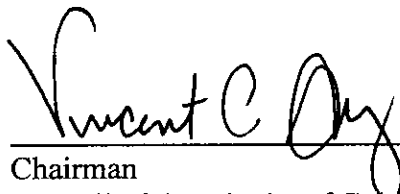
Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

A handwritten signature in black ink, appearing to read "Vincent C. Gray", is written over a horizontal line.

Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
May 20, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-82

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 20, 2009*Codification
District of
Columbia
Official Code*

2001 Edition

2009 Summer
Supp.West Group
Publisher

To amend, on a temporary basis, the Office of Administrative Hearings Establishment Act of 2001 to permit the Rent Administrator, and those persons exercising authority delegated by the Rent Administrator, to retain authority to issue final orders and rule on post-hearing motions in cases in which they have held evidentiary hearings before October 1, 2006 and in cases remanded to the Rent Administrator by the Rental Housing Commission that do not require a new hearing.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Rent Administrator Hearing Authority Temporary Amendment Act of 2009".

Sec. 2. Section 6(b-1)(1) of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03(b-1)(1)), is amended as follows:

*Note,
§ 2-1831.03*

(a) The existing language is designated as subparagraph (A).

(b) A new subparagraph (B) is added to read as follows:

“(B) Notwithstanding subparagraph (A) of this paragraph, the Rent Administrator, or any employee or other person to whom authority has been delegated by the Rent Administrator, may issue a final order in any case in which an evidentiary hearing was conducted before October 1, 2006, but in which no final order was issued before that date, and in any case remanded by the Rental Housing Commission that does not require a new hearing to be conducted. The Rent Administrator, or a delegee, may also rule upon any post-hearing motion, including a motion for reconsideration.”.

Sec. 3. Applicability.

This act shall apply as of September 14, 2008.

Sec. 4. Fiscal impact statement.

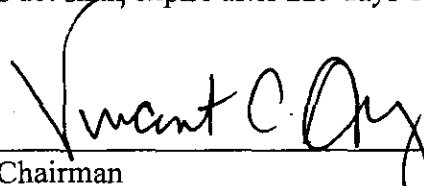
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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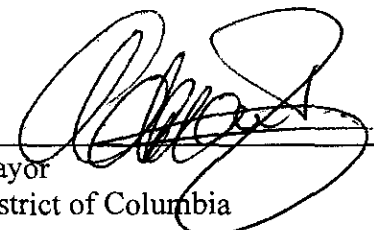
Sec. 5. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
May 20, 2009

ENROLLED ORIGINAL

AN ACT
D.C. ACT 18-83IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
MAY 28, 2009

To amend, on a temporary basis, Chapter 10 of Title 47 of the District of Columbia Official Code to exempt from taxation certain property owned by Allen Chapel African Methodist Episcopal Church, Inc., and its affiliates, which is to be developed as low-income senior housing; to provide for equitable real property tax relief for the church; and to amend the Equitable Parking Meter Rates Temporary Amendment Act of 2009 to provide funding to offset the fiscal impact of the tax relief for the church.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Allen Chapel A.M.E. Senior Residential Rental Project Property Tax Exemption and Equitable Real Property Tax Relief Temporary Amendment Act of 2009".

Sec. 2. Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section at the end to read as follows:

"47-1081. Allen Chapel A.M.E. Senior Residential Rental Project, Lots 0024, 0025, 0026, 0038, 0214, 0215, 0923, 0924, and 0295 in Square 5730."

(b) A new section 47-1081 is added to read as follows:

"§ 47-1081. Allen Chapel A.M.E. Senior Residential Rental Project, Lots 0024, 0025, 0026, 0038, 0214, 0215, 0923, 0294, and 0925 in Square 5730.

"The real properties described as Lots 0024, 0025, 0026, 0038, 0214, 0215, 0923, 0294, and 0925 in Square 5730, owned by Allen Chapel African Methodist Episcopal Church, Inc., or by an entity controlled, directly or indirectly, by Allen Chapel African Methodist Episcopal Church, Inc., shall be exempt from real property taxation so long as the real properties continue to be owned by Allen Chapel African Methodist Episcopal Church, Inc., or by an entity controlled, directly or indirectly, by Allen Chapel African Methodist Episcopal Church, Inc., and not used for commercial purposes, subject to the provisions of §§ 47-1005, 47-1007, and 47-1009."

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Sec. 3. The Council orders that all real property taxes, interest, penalties, fees, and other related charges assessed against Allen Chapel African Methodist Episcopal Church, Inc., or by an entity controlled, directly or indirectly, by Allen Chapel African Methodist Episcopal Church, Inc., on real property located at Lots 0024, 0025, 0026, 0038, 0214, 0215, 0923, 0294, and 0925, in Square 5730, for the period beginning January 1, 2006 through the effective date of the Allen Chapel A.M.E. Senior Residential Rental Project Property Tax Exemption and Equitable Real Property Tax Relief Emergency Amendment Act of 2009, passed on an emergency basis on April 21, 2009 (Enrolled version of Bill 18-245), be forgiven, and any payments already made for this period be refunded.

Sec. 4. Section 3(a) of the Equitable Parking Meter Rates Temporary Amendment Act of 2009, effective March 31, 2009 (D.C. Law 17-374; 56 DCR 1390), is amended by adding a new paragraph (1B) to read as follows:

“(1B) \$474,049 to offset the fiscal impact of tax relief authorized by the Allen Chapel A.M.E. Senior Residential Rental Project Property Tax Exemption and Equitable Real Property Tax Relief Emergency Amendment Act of 2009, passed on an emergency basis on April 21, 2009 (Enrolled version of Bill 18-245), and the Allen Chapel A.M.E. Senior Residential Rental Property Tax Exemption and Equitable Real Property Tax Relief Temporary Amendment Act of 2009, passed on 2nd reading on May 5, 2009 (Enrolled version of Bill 18-246).”.

Sec. 5. Sunset.

This act shall expire on October 1, 2009.

Sec. 6. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)(3)).

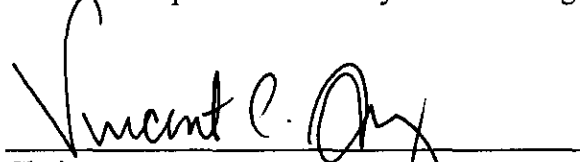
Sec. 7. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

ENROLLED ORIGINAL

December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
May 20, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-84

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 20, 2009*Codification
District of
Columbia
Official Code*

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To amend the Vital Records Act of 1981 to permit the domestic partner of a mother to be included on a birth certificate as a parent to the child, and to modify the rules for the preparation and filing of a birth certificate to include consent to parent through artificial insemination; to amend Title 16 of the District of Columbia Official Code to provide the court with the authority to waive an adoption home study where the prospective adoptee is the domestic partner of the natural parent, to provide that a child born to parents in a domestic partnership be treated for all legal purposes as a child born in wedlock, to clarify that a child's legitimate relationship to its' parents is not dependent upon the parents being married or in a domestic partnership, to specify the means for establishing a mother-child relationship and the means for establishing a father-child relationship, to provide a presumption that the domestic partner of a woman who bears a child is a parent of the child, to provide that a presumption of parentage may be overcome in a proceeding instituted in the Superior Court of the District of Columbia, to provide the Superior Court of the District of Columbia with the ability to determine parentage when a child has both a presumed parent as well as a parent established through a voluntary acknowledgment of paternity, to clarify the parentage of a child born through donor insemination, to clarify that the District of Columbia shall give full faith and credit to determinations of parentage made by other states, to clarify that the Registrar of Vital Records shall provide certain materials to any person seeking to file or amend a birth certificate that does not include the name of 2 parents, to permit a person whose parentage of a child is to be adjudicated to initiate a proceeding to establish parentage, to establish time limits under which a proceeding may be brought to establish parentage where a child has no presumed parent, to establish time limits under which a proceeding may be brought to rebut a presumption of parentage, to exclude the requirement that the court order genetic testing in a proceeding in which the child was conceived through artificial insemination and the donor is not a parent or where a child has a presumed parent and no proceeding to rebut the presumption was filed within the statutorily prescribed time frames, to prescribe circumstances under which the IV-D agency shall require genetic testing where a child does not have a presumed parent, to clarify parentage following a genetic test result when a child has a presumed parent as well as

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when a child does not have a presumed parent, and to permit a new birth certificate when a consent to parent a child born by artificial insemination is submitted to the Registrar of Vital Records; to amend the Health Care Benefits Expansion Act of 1992 to clarify the process for recognizing relationships established under the laws of other jurisdictions as domestic partnerships in the District; to amend the Parental Leave Act of 1984 to include domestic partners within the definition of parents; and to amend An Act To establish a code of law for the District of Columbia to clarify that domestic partners may hold real and personal property as tenants by the entirety.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Domestic Partnership Judicial Determination of Parentage Amendment Act of 2009".

Sec. 2. The Vital Records Act of 1981, effective October 8, 1981 (D.C. Law 4-34; D.C. Official Code § 7-201 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 7-201) is amended as follows:

Amend
§ 7-201

(1) Redesignate paragraph (4A) as paragraph (4C).

(2) New paragraphs (4A) and (4B) are added to read as follows:

"(4A) "Domestic partner" shall have the same meaning as provided in section 2(3) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(3)), but shall exclude a domestic partner who is the parent, grandparent, sibling, child, grandchild, niece, nephew, aunt, or uncle of a woman who gives birth to a child.

"(4B) "Domestic partnership" shall have the same meaning as provided in section 2(4) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(4)), but shall exclude a domestic partnership where a domestic partner is the parent, grandparent, sibling, child, grandchild, niece, nephew, aunt, or uncle of a woman who gives birth to a child."

(b) Section 6 (D.C. Official Code § 7-205) is amended as follows:

Amend
§ 7-205

(1) Subsection (c)(3) is amended to read as follows:

"(3) The mother, the father, the spouse or domestic partner of the mother, or, in the absence of the father or the spouse or domestic partner of the mother, and the inability of the mother, the person in charge of the premises where the birth occurred."

(2) Subsection (e) is amended as follows:

(A) Paragraph (2) is amended as follows:

(i) Strike the word "husband" and insert the word "spouse" in its place.

(ii) Strike the phrase "the father" and insert the phrase "a parent"

ENROLLED ORIGINAL

in its place.

(B) A new paragraph (2A) is added to read as follows:

“(2A) If the mother was in a domestic partnership at the time of either conception or birth, or between conception and birth, the name of the domestic partner of the mother shall be entered on the certificate as a parent of the child, unless parentage has been determined otherwise by the Court pursuant to D.C. Official Code § 16-909;”.

(C) Paragraph (3) is amended to read as follows:

“(3) If the mother was not married or in a domestic partnership at the time of either conception or birth, or between conception and birth, the name of the other parent shall only be entered on the certificate if:

“(A) The parents have signed a voluntary acknowledgment of paternity pursuant to D.C. Official Code § 16-909.1(a)(1) or pursuant to the laws and procedures of another state in which the voluntary acknowledgment was signed;

“(B) The parents have signed a consent to parent a child born by artificial insemination pursuant to D.C. Official Code § 16-909(e) and paragraph (3A) of this subsection; or

“(C) A court or administrative agency of competent jurisdiction has adjudicated as the other parent the person to be named as the other parent on the certificate.”.

(D) A new paragraph (3A) is added to read as follows:

“(3A) For the purposes of the certificate, the consent to parent a child born by artificial insemination pursuant to § 16-909(e) shall be on a form prescribed and furnished by the Registrar that:

“(A) Acknowledges consent by the mother and the intended parent to the insemination with the intent to be a parent of the child:

“(B) Is signed under oath (which may include signature in the presence of a notary);

“(C) Includes written notice that legal consequences, rights, and responsibilities as a parent arise from signing the consent; and

“(D) Contains the full names, social security numbers, and dates of birth of the parents and child, the addresses of the parents, the birthplace of the child, and a statement indicating that both parents understand the rights, responsibilities, and consequences of signing the affidavit;”.

(E) Paragraph (5) is amended to read as follows:

“(5) The surname of the child shall be the surname of a parent whose name appears on the child’s birth certificate, or both surnames recorded in any order or in hyphenated or unhyphenated form, or any surname to which either parent has a familial connection. If the chosen surname is not that of a parent, or a combination of all or part of both surnames, either or both parents shall provide an affidavit stating that the chosen surname was or is the surname of

ENROLLED ORIGINAL

a past or current relative or has some other clearly stated familial connection. Submission of an affidavit containing false information shall be punishable under section 26.”.

Sec. 3. Title 16 of the District of Columbia Official Code is amended as follows:

(a) Section 16-308 is amended to read as follows:

Amend
§ 16-308

“§ 16-308. Investigations when prospective adoptee is adult or petitioner is spouse or domestic partner of natural parent.

“(a) The court may dispense with the investigation, report, and interlocutory decree provided for by this chapter when:

“(1) The prospective adoptee is an adult; or

“(2) The petitioner is a spouse or domestic partner of the natural parent of the prospective adoptee and the natural parents consents to the adoption or joins in the petition for adoption.

“(b) In the circumstances specified in subsection (a)(2) of this section, the petition need not contain the information concerning race and religion specified by § 16-305(4) and (5).

“(c) For the purposes of this section, the term “domestic partner” shall have the same meaning as provided in § 32-701(3), but shall exclude a domestic partner who is the parent, grandparent, sibling, child, grandchild, niece, nephew, aunt, or uncle of the natural parent.”.

(b) Section 16-907 is amended by adding a new subsection (c) to read as follows:

Amend
§ 16-907

“(c) A child born to parents in a domestic partnership shall be treated for all legal purposes as a child born in wedlock. For the purposes of this subsection, the term “domestic partnership” shall have the same meaning as provided in § 32-701(4), but shall exclude a domestic partnership where a domestic partner is the parent, grandparent, sibling, child, grandchild, niece, nephew, aunt, or uncle of a woman who gives birth to a child.”.

(c) Section 16-908 is amended to read as follows:

Amend
§ 16-908

“§ 16-908. Relationship not dependent on marriage or domestic partnership.

“A child is the legitimate child of any parent under which a parent-child relationship is established pursuant to § 16-909, and is the legitimate relative of its parents’ relatives by blood or adoption and entitled to all rights, privileges, duties, and obligations under the laws of the District of Columbia.”.

(d) Section 16-909 is amended as follows:

Amend
§ 16-909

(1) The heading is amended by striking the phrase “mother and father” and inserting the word “parents” in its place.

(2) Subsection (a) is amended as follows:

(A) The lead-in language is amended to read as follows:

“(a) A father-child relationship is established by an adjudication of a man’s parentage, by operation of subsection (e) of this section, or by an un rebutted presumption under this subsection. There shall be a presumption that a man is the father of a child:”.

(B) Paragraph (1) is amended to read as follows:

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“(1) if he and the child's mother are or have been married, or in a domestic partnership, at the time of either conception or birth, or between conception and birth, and the child is born during the marriage or domestic partnership, or within 300 days after the termination of marital cohabitation by reason of death, annulment, divorce, or separation ordered by a court, or within 300 days after the termination of the domestic partnership pursuant to § 32-702(d); or”.

(3) A new subsection (a-1) is added to read as follows:

“(a-1)(1) A mother-child relationship is established by a woman having given birth to a child, by an adjudication of a woman's parentage, by operation of subsection (e) of this section, or by an un rebutted presumption under paragraph (2) of this subsection.

“(2) For a child born to a mother in a domestic partnership, there shall be a presumption that the female domestic partner of the child's mother is a parent of the child if the mother and the mother's domestic partner are or have been in a domestic partnership at the time of either conception or birth, or between conception and birth, and the child is born during the domestic partnership, or within 300 days after the termination of the domestic partnership pursuant to § 32-702(d).”.

(4) Subsection (b) is amended to read as follows:

“(b)(1) A presumption created by subsection (a)(1) through (4) of this section may be overcome upon proof by clear and convincing evidence, in a proceeding instituted within the time provided in § 16-2342(c) or (d), that the presumed parent is not the child's genetic parent. The Court shall try the question of parentage, and may determine that the presumed parent is the child's parent, notwithstanding evidence that the presumed parent is not the child's genetic parent, after giving due consideration to:

“(A) Whether the conduct of the mother or the presumed parent should preclude that party from denying parentage;

“(B) The child's interests; and

“(C) The duration and stability of the relationship between the child, the presumed parent, and the genetic parent.

“(2) If questioned, the presumption created by subsection (a-1)(2) that a child born to the mother is the child of the mother's female domestic partner may be overcome pursuant to paragraph (1) of this subsection or upon proof by clear and convincing evidence that the presumed parent did not hold herself out as a parent of the child.

“(3) Notwithstanding any other provision in this title, when a child has both a presumed parent and a parent established by a voluntary acknowledgment of paternity, pursuant to § 16-909.01(a)(1), the Court shall determine parentage after giving due consideration to the child's interests and the duration and stability of the relationship between the child, the presumed parent, and the acknowledged parent.”.

(5) Subsection (b-1) is amended as follows:

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(A) The lead-in language is amended by striking the phrase “A conclusive presumption of paternity” and inserting the phrase “When a child has no presumed parent under subsection (a)(1) through (4) of this section or under subsection (a-1)(2) of this section, a conclusive presumption of parentage” in its place.

(B) Paragraph (1) is amended by striking the phrase “putative father is the father of the child” and inserting the phrase “person is the genetic parent of the child” in its place.

(6) Subsection (c)(2) is amended by striking the word “By” and inserting the phrase “When a child has no presumed parent under subsection (a)(1) through (4) of this section or under subsection (a-1)(2) of this section, by” in its place.

(7) New subsections (e) and (f) are added to read as follows:

“(e)(1) A person who consents to the artificial insemination of a woman as provided in subparagraph (A) or (B) of this paragraph with the intent to be the parent of her child, is conclusively established as a parent of the resulting child.

“(A) Consent by a woman, and a person who intends to be a parent of a child born to the woman by artificial insemination, shall be in writing signed by the woman and the intended parent.

“(B) Failure of a person to sign a consent required by subparagraph (A) of this paragraph, before or after the birth of the child, shall not preclude a finding of intent to be a parent of the child if the woman and the person resided together in the same household with the child and openly held the child out as their own.

“(2) Notwithstanding any other provision in this title, genetic test results shall not establish parentage of a semen donor unless:

“(A) The donor of semen is the spouse or domestic partner of the child’s mother; or

“(B) The donor and the child’s mother agree in writing that said donor shall be a parent.

“(f) For the purposes of this section, the term:

“(1) “Domestic partner” shall have the same meaning as provided in § 32-701(3), but shall exclude a domestic partner who is the parent, grandparent, sibling, child, grandchild, niece, nephew, aunt, or uncle of a woman who gives birth to a child.

“(2) “Domestic partnership” shall have the same meaning as provided in § 32-701(4), but shall exclude a domestic partnership where a domestic partner is the parent, grandparent, sibling, child, grandchild, niece, nephew, aunt, or uncle of a woman who gives birth to a child.”

(e) Section 16-909.01 is amended as follows:

(1) Subsection (b) is amended by striking the phrase “An acknowledgment” and inserting the phrase “When a child has no presumed parent under § 16-909(a)(1) through (4) or § 16-909(a-1)(2), an acknowledgment” in its place.

Amend
§ 16-909.01

ENROLLED ORIGINAL

(2) Subsection (d) is amended by striking the phrase "In the absence" and inserting the phrase "If a child has a presumed parent, in the absence" in its place.

(f) Section 16-909.02 is amended as follows:

Amend
§ 16-909.02

(1) The heading is amended by striking the word "paternity" and inserting the word "parentage" in its place.

(2) Strike the word "paternity" and insert the word "parentage" in its place.

(g) Section 16-909.04(a) is amended by striking the phrase "a father's name" and inserting the phrase "the names of 2 parents" in its place.

Amend
§ 16-909.04
Amend
§ 16-2342

(h) Section 16-2342 is amended as follows:

(1) Subsection (a) is amended as follows:

(A) Strike the word "establish" and insert the word "determine" in its place.

(B) Strike the phrase "District of Columbia," and insert the phrase "District of Columbia, a person whose parentage of the child is to be adjudicated," in its place.

(2) Subsection (b) is amended as follows:

(A) Strike the phrase "Proceedings over which the Division has jurisdiction under D.C. Official Code, sec. 11-1101(3) and (11) to establish" and insert the phrase "A proceeding to determine" in its place.

(B) Strike the phrase "support of a child" and insert the phrase "support of a child with no presumed parent under § 16-909(a)(1) through (4) or § 16-909(a-1)(2)" in its place.

(C) Strike the last sentence.

(3) New subsections (c) and (d) are added to read as follows:

"(c) Except as otherwise provided in subsection (d) of this section, a proceeding to rebut the presumption of parentage of a child having a presumed parent under § 16-909(a)(1) through (4) or § 16-909(a-1)(2) shall be commenced not later than 2 years after the birth of the child, after which time the presumption becomes conclusive.

"(d) A proceeding seeking to disprove the parent-child relationship between a child and the child's presumed parent under § 16-909(a)(1) through (4) or § 16-909(a-1)(2) may be maintained at any time if the court determines that the presumed parent did not live with the child's mother during the 300 days before the birth of the child and never openly held out the child as his or her own."

(i) Section 16-2342.01(a)(1) is amended by striking the phrase "paternity," and inserting the phrase "paternity, consistent with § 16-909.01(b)," in its place.

Amend
§ 16-2342.01

(j) Section 16-2343 is amended as follows:

Amend
§ 16-2343

(1) Subsection (a) is amended as follows:

(A) Paragraph (3) is amended by striking the word "or" at the end.

(B) Paragraph (4) is amended to read as follows:

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“(4) The child was conceived through artificial insemination and the donor is not a parent pursuant to § 16-909(e)(2); or”.

(C) A new paragraph (5) is added to read as follows:

“(5) The child has a presumed parent under § 16-909(a) (1) through (4) or § 16-909(a-1)(2) and no proceeding to rebut the presumption was filed within the time provided in § 16-2342(c) or (d).”.

(2) Subsection (a-1) is amended as follows:

(A) Paragraph (1) is amended by striking the phrase “The IV-D agency” and inserting the phrase “When a child does not have a presumed parent under § 16-909(a)(1) through (4) or § 16-909(a-1)(2), the IV-D agency” in its place.

(B) Paragraph (2) is amended by striking the phrase “In all other cases” and inserting the phrase “In all other cases in which a child does not have a presumed parent under § 16-909(a)(1) through (4) or § 16-909(a-1)(2)” in its place.

(k) Section 16-2343.01(e) is amended to read as follows:

Amend
§ 16-2343.01

“(e)(1) When a child has no presumed parent under § 16-909(a)(1) through (4) or under § 16-909(a-1)(2) and a genetic test result indicates a 99% probability that the putative father is the father of the child, if the genetic test is of the type generally acknowledged as reliable by accreditation bodies designated by the Secretary of the U.S. Department of Health and Human Services and is performed by a laboratory approved by such body, there is a conclusive presumption of paternity and the Court shall enter a judgment finding the parentage of the child consistent with such result, upon the submission of the result and a certifying affidavit from the laboratory, subject to the determination of any objection properly filed pursuant to subsection (b) of this section.

“(2) When a child has a presumed parent under § 16-909(a)(1) through (4) or under § 16-909(a-1)(2) and a genetic test result indicates a 99% probability that the putative father is the father of the child, if the genetic test is of the type generally acknowledged as reliable by accreditation bodies designated by the Secretary of the U.S. Department of Health and Human Services and is performed by a laboratory approved by such body, the Court shall determine parentage giving due consideration to the child’s interests and the duration and stability of the relationship between the child, the presumed parent, and the putative parent.”.

(l) Section 16-2343.03 is amended as follows:

Amend
§ 16-2343.03

(1) Strike the phrase “putative father” wherever it appears and insert the word “respondent” in its place.

(2) Strike the word “paternity” wherever it appears and insert the word “parentage” in its place.

(3) Strike the word “he” and insert the phrase “the respondent” in its place.

Amend
§ 16-2343.04

(m) Section 16-2343.04 is amended by striking the word “paternity” and inserting the word “parentage” in its place.

ENROLLED ORIGINAL

(n) Section 16-2345 is amended as follows:

Amend
§ 16-2345

(1) The heading is amended by striking the word “natural”.

(2) Subsection (a) is amended by striking the phrase “the requirements of section 16-909.01(a)(2) are submitted to the Registrar,” and inserting the phrase “the requirements of section 16-909.01(a)(2) are submitted to the Registrar, or when a consent to parent a child born by artificial insemination pursuant to § 16-909(e)(1)(A) and § 7-205(e)(3A)), is submitted to the Registrar,” in its place.

(o) Section 16-2346 is amended as follows:

Amend
§ 16-2346

(1) Strike the phrase “born out of wedlock”.

(2) Strike the phrase “father and mother” and insert the word “parents” in its place.

(p) Section 16-2349 is amended as follows:

Amend
§ 16-2349

(1) The heading is amended by striking the word “paternity” and inserting the word “parentage” in its place.

(2) Strike the phrase “mother, father,” and insert the word “parents” in its place.

(3) Strike the word “paternity” and insert the word “parentage” in its place.

(q) Section 16-2349.01 is amended by striking the word “paternity” wherever it appears and inserting the word “parentage” in its place.

Amend
§ 16-2349.01

Sec. 4. Section 3(i) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-702(i)), is amended to read as follows:

Amend
§ 32-702

“(i)(1) Except as provided in paragraph (2) of this subsection, relationships established in accordance with the laws of other jurisdictions, other than marriages, that are substantially similar to domestic partnerships established by this act, as certified by the Mayor, shall be recognized as domestic partnerships in the District. The Mayor shall establish and maintain a certified list of jurisdictions so recognized. The Mayor shall broadly construe the term “substantially similar” to maximize the recognition of relationships from other jurisdictions as domestic partnerships in the District.

“(2) If the Mayor has not yet certified, pursuant to paragraph (1) of this subsection, that the laws of a jurisdiction permit the establishment of relationships substantially similar to domestic partnerships established by this act, and if the laws of that jurisdiction prescribe that the relationship, regardless of the term or phrase used to refer to the relationship, has all the rights and responsibilities of marriage under the laws of that jurisdiction, the relationship shall be recognized as a domestic partnership in the District and the Mayor shall include that jurisdiction in the certified list required under paragraph (1) of this subsection.”.

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Sec. 5. Section 2 of the Parental Leave Act of 1984, effective August 17, 1984 (D.C. Law 10-146; D.C. Official Code § 32-1201), is amended as follows:

Amend
§ 32-1201

(a) Paragraph 2(E) is amended by striking the phrase “married to” and inserting the phrase “married to, or in a domestic partnership with,” in its place.

(b) A new paragraph (5) is added to read as follows:

“(5) “Domestic partnership” shall have the same meaning as provided in section 2(4) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(4)).”

Sec. 6. An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1189; codified in scattered sections of the D.C. Official Code), is amended as follows:

(a) Section 1031 (D.C. Official Code § 42-516) is amended by adding a new subsection (c) to read as follows:

Amend
§ 42-516

“(c) A tenancy by the entirety may be created in any conveyance of real property to spouses or to domestic partners as that term is defined in section 2(3) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(3)).”

(b) Section 1154 (D.C. Official Code § 46-601) is amended as follows:

Amend
§ 46-601

(1) Subsection (c) is amended as follows:

(A) Strike the word “spouses” and insert the phrase “spouses, or the domestic partners,” in its place.

(B) Strike the word “marriage” and insert the phrase “marriage or domestic partnership” in its place.

(2) A new subsection (d) is added to read as follows:

“(d) A tenancy by the entirety may be created in any conveyance of personal property to spouses or to domestic partners.”

Sec. 7. Fiscal impact statement.

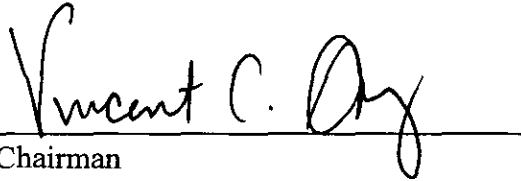
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 8. Effective date.


This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
May 20, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-85

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 20, 2009

To order the closing of a public alley bounded by Lots 49 through 56, 134, 135, and 958 in Square 5872, and the elimination of building restriction lines along Sayles Place, S.E., in Square 5869, in Ward 8.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of an Alley in Square 5872, S.O. 07-2225, Act of 2009".

Sec. 2. Pursuant to section 201 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-202.01), the Council finds that the alley in Square 5872, as shown on the Surveyor's plat filed under S.O. 07-2225, is unnecessary for alley purposes and orders it closed, with title to the land to vest as shown on the Surveyor's plat. The approval of the Council of this closing is contingent upon the satisfaction of all conditions set forth in the official file of S.O. 07-2225.

Sec. 3. The Council finds that the 10-foot building restriction lines along Sayles Place, S.E., between Howard Road, S.E., and Bowen Road, S.E., in Square 5869, as shown on the Surveyor's plat filed under S.O. 09-8150, are unnecessary and orders them eliminated. The approval of the Council of the elimination of these building restriction lines is contingent upon the satisfaction of all the conditions set forth in the official file of S.O. 09-8150.

Sec. 4. Transmittal.

The Secretary to the Council shall transmit a copy of this act, upon its effective date, to the Office of the Surveyor and the Office of the Recorder of Deeds.

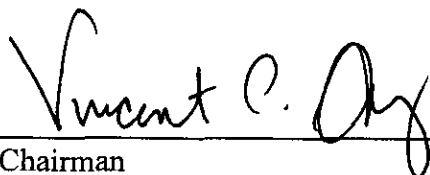
Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

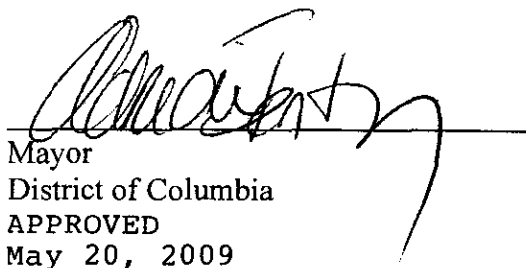
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Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
May 20, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-86

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 20, 2009Codification
District of
Columbia
Official Code

2001 Edition

2009 Fall
Supp.West Group
Publisher

To amend the Retail Service Station Act of 1976 to further restrict conversion from full service retail stations to gas-and-go, provide for a right of first refusal to service station dealers or jobbers when the retail service station which they lease, operate, or otherwise control is offered for sale and to require good faith in negotiation for lease terms.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Retail Service Station Amendment Act of 2009".

Sec. 2. The Retail Service Station Act of 1976, effective April 19, 1977 (D.C. Law 1-123; D.C. Official Code § 36-301.01 *et seq.*), is amended as follows:

(a) Section 5-301(d)(2) (D.C. Official Code § 36-304.01(d)(2)) is amended to read as follows:

Amend
§ 36-304.01

"(2)(A) Before recommending approval for exemption, the Board shall find the following:

"(i) That the operator of the full service retail service station is experiencing extreme financial hardship; and

"(ii) The existence of another full service retail service station within one mile of the station which provides equivalent service facilities.

"(B) In addition to the requirements in subparagraph (A) of this paragraph, the Board shall give due weight to the views of the community and the affected Advisory Neighborhood Commission."

(b) A new Title III-A is added to read as follows:

"TITLE III-A

"FRANCHISEE PURCHASE RIGHTS

"Sec. 5A-301. Definitions.

"For the purposes of this title, the term:

"(1) "Franchise" means any contract between a refiner and a distributor or between a refiner and a retailer, under which a refiner authorizes or permits a retailer or distributor to use, in connection with the sale, consignment, or distribution of gasoline, diesel, gasohol, or aviation fuel, a trademark which is owned or controlled by such refiner or by a refiner which supplies fuel to the distributor which authorizes or permits such use. The term

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“franchise” includes the following:

“(A) Any contract under which a retailer or distributor is authorized or permitted to occupy leased marketing premises, which premises are to be employed in connection with the sale, consignment, or distribution of fuel under a trademark which is owned or controlled by such refiner or by a refiner which supplies fuel to the distributor which authorizes or permits such occupancy;

“(B) Any contract pertaining to the supply of fuel which is to be sold, consigned, or distributed under a trademark owned or controlled by a refiner; and

“(C) The unexpired portion of any franchise, as defined by this paragraph, which is transferred or assigned as authorized by the provisions of such franchise or by any applicable provision of District law which permits such transfer or assignment without regard to any provision of the franchise.

“(2) “Franchisee” means a retailer or distributor who is authorized or permitted, under a franchise, to use a trademark in connection with the sale, consignment, or distribution of fuel.

“(3) “Franchise relationship” means the respective fuel marketing or distribution obligations and responsibilities of a franchisor and a franchisee that result from the marketing of fuel under a franchise.

“(4) “Franchisor” means a refiner that authorizes or permits, under a franchise, a retailer or distributor to use a trademark in connection with the sale, consignment, or distribution of fuel.

“(5) “Leased marketing premises” means marketing premises owned by a franchisor and which the franchisee is authorized or permitted, under the franchise, to employ in connection with the sale, consignment, or distribution of fuel.

“(6) “Refiner” means any person engaged in the refining of crude oil to produce fuel, and includes any affiliate of such person.

“(7) “Retailer” means any person who purchases fuel for sale to the general public for ultimate consumption.

“Sec. 5A-302. Franchisee’s right of first refusal.

“(a) In the case of leased marketing premises as to which the franchisor owns a fee interest, the franchisor shall not sell, transfer, or assign to another person the franchisor’s interest in the premises unless the franchisor has first either made a bona fide offer to sell, transfer, or assign to the franchisee the franchisor’s interest in the premises, other than signs displaying the franchisor’s insignia and any other trademarked, servicemarked, copyrighted, or patented items of the franchisor, or, if applicable, offered to the franchisee a right of first refusal of any bona fide offer acceptable to the franchisor made by another person to purchase the franchisor’s interest in the premises. A franchisee shall have 60 days in which to accept or reject a bona fide offer.

“(b) This section shall not require a franchisor to continue an existing franchise agreement or to renew a franchise relationship if not otherwise required by federal law.

“(c) In the event of the sale, transfer, or assignment of the franchisor’s interest in more

ENROLLED ORIGINAL

than one leased marketing premises, a bona fide offer made under this section for each leased marketing premises shall be determined based upon the fair market value that is reasonably attributable to it.

“Sec. 5A-303. Duty of good faith in negotiating lease terms.

“If a franchisor sells, transfers, or assigns to another person the franchisor’s interest in the leased marketing premises to a distributor or other third party, that person shall be required to negotiate in good faith reasonable lease terms with the franchisee when renewing the franchise. It shall be *prima facie* evidence of good faith for a distributor to calculate a franchisee’s rent using a formula based upon a percentage of the return on the property’s value plus fixed costs and use that formula to calculate rents for all of the distributor’s franchise relationships in a single geographical market area.

“Sec. 5A-304. Remedy for violation of title.

“(a) Any person who violates any provision of this title may be sued in the Superior Court of the District of Columbia for temporary and permanent injunctive relief and damages, if any, and the costs of suit.

“(b) No action shall be maintained to enforce any liability created under any provision of this title unless brought before the expiration of 2 years after the violation upon which it is based or the expiration of one year after the discovery of the facts constituting such violation, whichever occurs first.

“Sec. 5A-305. Applicability.

“This title shall not apply to any sale of leased marketing premises made pursuant to a contract which has been executed by duly authorized representatives of the parties prior to April 1, 2009.”.

Sec. 3. Sunset.

Section 2(b) shall expire on January 1, 2011.

Sec. 4. Fiscal impact statement.

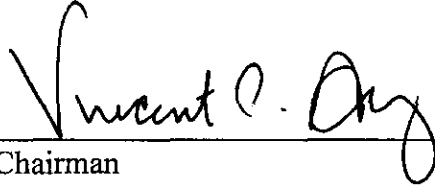
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

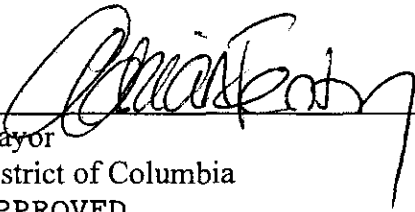
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
May 20, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-87

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 20, 2009

To order the closing of a portion of the public alley system in Square 4488, bounded by Maryland Avenue, N.E., 19th Street, N.E., I Street, N.E., and 17th Street, N.E., in Ward 5; and to amend the Closing of a Public Alley in Square 375, S.O. 06-656, Act of 2006 to include the approval of easements on the closed public alley.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of a Portion of a Public Alley in Square 4488, S.O. 07-7333, Act of 2009".

Sec. 2. Pursuant to section 201 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-202.01), the Council finds that a portion of the alley system in Square 4488, as shown on the Surveyor's plat filed under S.O. 07-7333, is unnecessary for alley purposes and orders it closed, with title to the land to vest as shown on the Surveyor's plat. The approval of the Council of this closing is contingent upon the satisfaction of all the conditions set forth in the official file of S.O. 07-7333.

Sec. 3. Section 2 of the Closing of a Public Alley in Square 375, S.O. 06-656, Act of 2006, effective March 14, 2007 (D.C. Law 16-291; 54 DCR 987), is amended by striking the phrase "Surveyor's plat." and inserting the phrase "Surveyor's plat. The Office of Property Management may grant and receive easements for the use of the closed public alley, including for vehicular and pedestrian access." in its place.

Sec. 4. Transmittal.

The Secretary to the Council shall transmit a copy of this act, upon its effective date, to the Office of the Surveyor and the Office of the Recorder of Deeds.

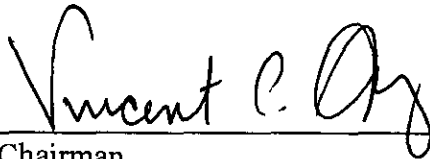
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Sec. 5. Fiscal impact statement.

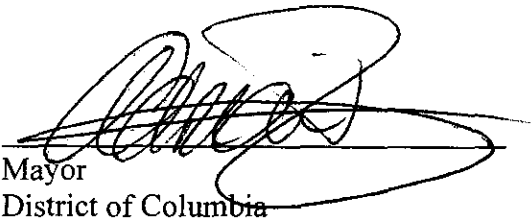
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
May 20, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-88

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 20, 2009

To order the closing of a portion of Anacostia Avenue between Foote Street, N.E., and Grant Place, N.E., abutting Square 5041, the closing of a portion of Burnham Place, N.E., and Grant Place, N.E., between Kenilworth Terrace and Parkside Place, abutting Squares 5041 and 5056, and the elimination of building restriction lines in Squares 5041 and 5056, bounded by Anacostia Avenue, N.E., Foote Street, N.E., Kenilworth Terrace, N.E., and Hayes Street, N.E., in Ward 7.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Kenilworth-Parkside Partial Street Closure, S.O. 07-1213, S.O. 07-1214, and Building Restriction Line Elimination, S.O. 07-1212, Act of 2009".

Sec. 2. Pursuant to section 201 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-202.01), the Council finds as follows:

(1) The 15-foot portion of Anacostia Avenue abutting Square 5041, as shown on the Surveyor's plat filed under S.O. 07-1213, is unnecessary for street purposes and orders it closed, with title to the land to vest as shown on the Surveyor's plat. The approval of the Council of this closing is contingent upon the satisfaction of all the conditions set forth in the official S.O. File 07-1213.

(2) The portion of Burnham Place and Grant Place abutting Squares 5041 and 5056, as shown on the Surveyor's plat filed under S.O. 07-1214, is unnecessary for street purposes and orders it closed, with title to the land to vest as shown on the Surveyor's plat. The approval of the Council of this closing is contingent upon the satisfaction of all the conditions set forth in the official S.O. File 07-1214, including the establishment of a pedestrian easement as shown on the Surveyor's plat.

Sec. 3. The Council finds that the 10-foot building restriction lines in Squares 5041 and 5056, as shown on the Surveyor's plat filed under S.O. 07-1212, are unnecessary and orders them eliminated, notwithstanding the objection set forth by the District Department of Transportation in the official file of S.O. 07-1212.

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Sec. 4. Transmittal.

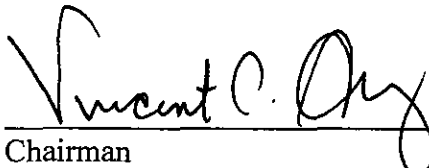
The Secretary to the Council shall transmit a copy of this act, upon its effective date, to the Office of the Surveyor and the Office of the Recorder of Deeds.

Sec. 5. Fiscal impact statement.

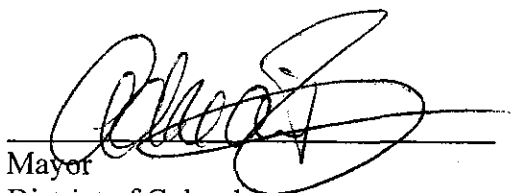
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
May 20, 2009

ENROLLED ORIGINAL

AN ACT
D.C. ACT 18-89

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 20, 2009*Codification
District of
Columbia
Official Code*

2001 Edition

2009 Fall
Supp.West Group
Publisher

To amend the Mortgage Lender and Broker Act of 1996 to provide for the District of Columbia's compliance with Title V of the Housing and Economic Recovery Act of 2008 by adding new definitions, providing for a new exemption, providing a new licensing category, providing new bases for application denial, providing for fees and other assessments to be set by rulemaking, authorizing the Commissioner of the Department of Insurance, Securities, and Banking to contract with third parties to collect fees and administer tests related to the licensing of mortgage brokers, lenders, and loan originators, and conforming other sections with the new licensing requirements.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Mortgage Lender and Broker Amendment Act of 2009".

Sec. 2. The Mortgage Lender and Broker Act of 1996, effective September 9, 1996 (D.C. Law 11-155; D.C. Official Code § 26-1101 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 26-1101) is amended as follows:

Amend
§ 26-1101

(1) Paragraph (1) is amended by striking the phrase "to be occupied by the borrower as the borrower's primary residence".

(2) New paragraphs (1A) and (1B) are added to read as follows:

"(1A) "Clerical tasks" means the receipt, collection, and distribution of information common for the processing or underwriting of a loan in the mortgage industry and communication with a consumer to obtain information necessary for the processing or underwriting of a residential mortgage loan.

"(1B) "Commissioner" means the Commissioner of the Department of Insurance, Securities, and Banking."

(3) New paragraphs (2A) and (2B) are added to read as follows:

"(2A) "Conference of State Bank Supervisors" means the professional association of state officials responsible for chartering, regulating, and supervising state-chartered commercial and savings banks and state-licensed branches and agencies of foreign banks.

ENROLLED ORIGINAL

“(2B) “Depository institution” shall:

“(A) Have the same meaning as provided in section 3 of the Federal Deposit Insurance Act, approved September 21, 1950 (64 Stat. 873; 12 U.S.C. § 1813); and

“(B) Include any credit union.”.

(4) A new paragraph (3A) is added to read as follows:

“(3A) “Federal banking agency” means the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the National Credit Union Administration, or the Federal Deposit Insurance Corporation.”.

(5) Paragraph (5)(A) is amended by striking the phrase “to be occupied by the borrower”.

(6) A new paragraph (5A) is added to read as follows:

“(5A) “Independent contractor” means an individual who is required to obtain and maintain a license under this act to engage in residential mortgage loan origination activities as a loan processor or underwriter.”.

(7) Paragraph (7) is amended by striking the phrase “mortgage lender” and inserting the phrase “mortgage loan originator, loan officer, mortgage lender,” in its place.

(8) Paragraph (8) is amended by striking the phrase “mortgage lender” and inserting the phrase “mortgage loan originator, loan officer, mortgage lender,” in its place.

(9) A new paragraph (9A) is added to read as follows:

“(9A) “Loan processor or underwriter” means an individual who performs clerical or support duties as an employee of and at the direction of, and subject to the supervision and instruction of, a person licensed, or exempt from licensing, under this act.”.

(10) Paragraph (12) is amended to read as follows:

“(12) “Mortgage loan” means any loan primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling, as defined in section 103(v) of the Truth in Lending Act, approved May 29, 1968 (82 Stat. 147; 15 U.S.C. § 1602(v)), or residential real estate upon which is constructed, or intended to be constructed, a dwelling.”.

(11) New paragraphs (12B), (12C), and (12D) are added to read as follows:

“(12B)(A) “Mortgage loan originator” or “loan officer” means an individual who:

“(i) Takes a residential mortgage application;

“(ii) Offers or negotiates terms of a residential mortgage loan; or

“(iii) Solicits, or offers to solicit, a mortgage loan on behalf of a borrower for compensation or gain.

“(B) The term shall not include:

“(i) An individual who is not otherwise described in subparagraph (A) of this paragraph;

ENROLLED ORIGINAL

“(ii) An individual or entity solely involved in extension of credit relating to timeshare plans, as defined in 11 U.S.C. § 101(53D); or

“(iii) An individual who only performs real estate brokerage activities and is licensed or registered in accordance with District of Columbia law, unless the person is compensated by a mortgage lender, a mortgage broker, mortgage loan originator, or loan officer, or by any agent of a mortgage lender, mortgage broker, mortgage loan originator, or loan officer.

“(12C) “Mortgage uniform licensing form” means the SSR application form for mortgage brokers, mortgage lenders, and mortgage loan originators approved by the Commissioner.

“(12D) “Nationwide Mortgage Licensing System and Registry” or “NMLSR” means a mortgage licensing system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators for the licensing and registration of licensed mortgage loan originators, mortgage lenders, mortgage brokers, and loan officers.”.

(12) New paragraphs (15A) and (15B) are added to read as follows:

“(15A) “Real estate brokerage activity” means any activity that involves offering or providing real estate brokerage services to the public, including;

“(A) Acting as a real estate agent or real estate broker for a buyer, seller, lessor, or lessee of real property;

“(B) Bringing together parties interested in the sale, purchase, lease, rental, or exchange of real property;

“(C) Negotiating, on behalf of any party, any portion of a contract relating to the sale, purchase, lease, rental, or exchange of real property (other than in connection with providing financing with respect to any such transaction);

“(D) Engaging in any activity for which a person engaged in the activity is required to be registered or licensed as a real estate agent or real estate broker under any applicable law; and

“(E) Offering to engage in any activity, or act in any capacity, described in subparagraph (A), (B), (C), or (D) of this paragraph.

“(15B) “Registered mortgage loan originator” or “registered loan officer” means any individual who is:

“(A) A mortgage loan originator or loan officer;

“(B) An employee of:

“(i) A depository institution;

“(ii) A subsidiary that is owned and controlled by a depository institution and regulated by a federal banking agency; or

“(iii) An institution regulated by the Farm Credit Administration;

and

ENROLLED ORIGINAL

“(C) Registered with, and maintains a unique identifier through, the NMLSR.”.

(13) Paragraph (16) is repealed.

(14) New paragraphs (16A) and (16B) are added to read as follows:

(16A) “Sponsor” means the licensed mortgage lender or mortgage broker with whom the mortgage loan originator is employed or associated.

“(16B) “SRR” means the limited liability corporation which owns and operates the NMLSR.”.

(15) New paragraphs (17A) and (17B) are added to read as follows:

“(17A) “Takes a residential mortgage loan application” means:

“(A) Recording the borrower’s application information in any form for use in a credit decision; or

“(B) Receiving the borrower’s application information in any form for use in a credit decision.

“(17B) “Unique identifier” means a number or other identifier assigned by protocols established by the NMLSR.”.

(b) Section 3 (D.C. Official Code § 26-1102) is amended as follows:

Amend
§ 26-1102

(1) Paragraph (1) is amended to read as follows:

“(1) Any bank, trust company, savings bank, savings and loan association, or credit union incorporated or chartered under the laws of the United States, any state or territory of the United States, or the District, and any other financial institution incorporated or chartered under the laws of the District or of the United States, that accepts deposits and is regulated under Title 26 of the District of Columbia Official Code.”.

(2) Paragraph (10) is amended by striking the phrase “; and” at the end of the paragraph and inserting a semicolon in its place.

(3) Paragraph (11) is amended by striking the period at the end of the paragraph and inserting the phrase “; and” in its place.

(4) A new paragraph (12) is added to read as follows:

“(12) Persons acting as registered mortgage loan originators.”.

(c) Section 4 (D.C. Official Code § 26-1103) is amended as follows:

Amend
§ 26-1103

(1) Subsection (a) is amended to read as follows:

“(a)(1) No person shall engage in business as a mortgage loan originator, loan officer, mortgage lender, mortgage broker, or any permissible combination thereof, or hold himself out to the public to be a mortgage loan originator, loan officer, mortgage lender, mortgage broker, or any permissible combination thereof, unless such person has first obtained a license under this act. Each licensee shall register with, and maintain a valid unique identifier issued by, the NMLSR.

“(2) Each independent contractor loan processor or underwriter licensed as a mortgage loan originator shall have, and maintain, a valid unique identifier issued by the NMLSR.

ENROLLED ORIGINAL

“(3) An individual engaging solely in loan processor or underwriting activities, who does not represent to the public, through advertising or other means of communicating or providing information, including the use of business cards, stationery, brochures, signs, rate lists, or other promotional items, that such individual can or will perform any of the activities of a mortgage loan originator shall not be required to obtain and maintain a license under this act.”.

(2) Subsection (b) is amended as follows:

(A) Paragraph (1) is amended to read as follows:

“(1) Engage in business as a mortgage loan originator, loan officer, mortgage lender, or mortgage broker;”.

(B) Paragraph (3) is amended to read as follows:

“(3) Meet the minimum liquidity and capital requirements as prescribed by the Commissioner.”.

(3) A new subsection (b-1) is added to read as follows:

“(b-1) An applicant for a mortgage loan originator’s license shall have a sponsor.”.

(4) A new subsection (c-1) is added to read as follows:

“(c-1) The Commissioner shall deny an application if the applicant has:

“(1) Had a mortgage loan originator license revoked by any governmental jurisdiction;

“(2) Been convicted of, or pled guilty or nolo contendere to, a felony in a domestic, foreign, or military court during the 7-year period preceding the date of the application for licensing and registration; or

“(3) At any time preceding the date of application, been convicted of, or pled guilty or nolo contendere to a felony, if such felony involved an act of fraud or dishonesty, a breach of trust, or money laundering.”.

(5) Subsection (d)(1) is amended to read as follows:

“(1) Complete and sign an application made under oath on the form that the Commissioner requires;”.

(6) Subsection (e)(7) is amended to read as follows:

“(7) Whether the applicant seeks a license to act as a mortgage loan originator, loan officer, mortgage lender, mortgage broker, or any permissible combination thereof; and”.

(7) Subsection (f) is amended to read as follows:

“(f) With each application for licensure, the applicant shall pay the applicable fees prescribed by the Commissioner and any third-party fees.”.

(8) Subsection (h) is amended as follows:

(A) Paragraph (2) is amended by striking the word “and” at the end of the paragraph.

(B) Paragraph (3) is amended by striking the period and inserting a semicolon in its place.

(C) Paragraph (3) is amended as follows:

ENROLLED ORIGINAL

(i) Designate the existing text as subparagraph (A).

(ii) A new subparagraph (B) is added to read as follows:

“(B) The applicant shall demonstrate that the applicant has met net worth and surety bond requirements or, as prescribed by the Commissioner, paid into a District of Columbia fund;”.

(D) New paragraphs (4) through (6) are added to read as follows:

“(4) Meet educational requirements prescribed by the Commissioner;

“(5) Provide proof of compliance with pre-licensure testing and post-licensure continuing education requirements as prescribed by the Commissioner; and

“(6) Comply with any other requirement prescribed by the Commissioner.”.

(9) New subsections (h-1) and (h-2) are added to read as follows:

“(h-1)(1) The Commissioner shall require, by rule, that an applicant applying for licensure under this act, and any such other person as the Commissioner considers appropriate, submit his name, contact information and other identifying information, fingerprints, written consent to a criminal background check, an independent credit report, and information related to any administrative, civil, or criminal findings by any governmental jurisdiction with the applicant’s application.

“(2) For the purposes of this act, the Commissioner may use the NMLSR as an agent for requesting information from, and distributing information to, the Federal Bureau of Investigation, the Department of Justice, any governmental agency, or any source so directed by the Commissioner.

“(h-2) The Commissioner may waive or defer any licensing requirement, other than requirements mandated by sections 1505, 1506, and 1508 (d) of the Housing and Economic Recovery Act of 2008, approved July 30, 2008 (122 Stat. 2816; 12 U.S.C. § 5105, 5106, and 5108 (d)), for good cause shown in writing.”.

(10) Subsection (i) is amended as follows:

(A) Paragraph (1)(A) is amended to read as follows:

“(A) Run to the Commissioner for the benefit of the District and any person who has been damaged by a licensee as a result of violating any law or regulation governing the activities of mortgage loan originators, mortgage lenders, or mortgage brokers;”.

(B) Paragraphs (2) through (4) are repealed.

(C) Paragraph (5) is amended to read as follows:

“(5) Any person who may be damaged by noncompliance of a licensee with any condition of such bond may proceed on such bond against the principal or surety thereon, or both, to recover damages. Regardless of the number of years the bond remains in effect, the number of premiums paid, the number of renewals of the license, or the number of claims made, the aggregate liability under the bond shall not exceed the penal sum of the bond.”.

(D) A new paragraph (6) is added to read as follows:

“(6) Surety bond requirements shall be prescribed by the Commissioner.”.

ENROLLED ORIGINAL

(d) Section 5(d)(1) (D.C. Official Code § 26-1104(d)(1)) is amended by striking the phrase "mortgage lender or mortgage broker" and inserting the phrase "mortgage lender, mortgage broker, mortgage loan originator, or loan officer" in its place.

Amend
§ 26-1104

(e) Section 8 (D.C. Official Code § 26-1107) is amended as follows:

Amend
§ 26-1107

(1) Subsection (b) is amended as follows:

(A) Paragraph (1) is amended to read as follows:

"(1) Demonstrates that he or she continues to meet the licensing standards under this act and has satisfied the annual continuing education requirements under this act;"

(B) A new paragraph (1A) is added to read as follows:

"(1A) Pays all applicable fees and assessments as prescribed by the Commissioner and all third-party fees;"

(2) Subsection (d) is repealed.

(f) Section 10(d) (D.C. Official Code § 26-1109(d)) is amended by striking the phrase "mortgage broker" and inserting the phrase "independent contractor or mortgage broker" in its place.

Amend
§ 26-1109

(g) Section 13 (D.C. Official Code § 26-1112) is amended by adding new subsections (f), (g), (h), and (i) to read as follows:

Amend
§ 26-1112

"(f) To carry out the purposes of this section, the Commissioner may do any of the following:

"(1) Retain attorneys, accountants, or other professionals and specialists as examiners, auditors, or investigators to conduct or assist in the conduct of examinations or investigations;

"(2) Enter into agreements or relationships with other government officials or regulatory associations to improve efficiencies and reduce regulatory burdens by sharing resources, standardized or uniform methods or procedures, and documents, records, information, or evidence obtained under this section;

"(3) Use, hire, contract, or employ public or privately available analytical systems, methods, or software to examine or investigate the licensee or person subject to this act;

"(4) Accept and rely on examination or investigation reports made by other government officials within or without the District of Columbia;

"(5) Accept audit reports made by an independent certified public accountant for the licensee, or person subject to this act, in the course of an examination covering the same general subject matter as the audit and may incorporate the audit report in the report of the examination, report of investigation, or other writing of the Commissioner; or

"(6) Assess the licensee, or person subject to this act, the cost of the services in paragraph (1) of this subsection.

"(g) This section shall remain in effect whether such licensee, or person subject to this act, acts or claims to act under any licensing or registration law of the District of Columbia, or claims to act without such authority.

ENROLLED ORIGINAL

“(h) No licensee, or person subject to investigation or examination under this section, shall knowingly withhold, abstract, remove, mutilate, destroy, or secrete any books, records, computer records, or other information.

“(i) All examination fees shall be prescribed by the Commissioner.”.

(h) Section 14 (D.C. Official Code § 26-1113) is amended as follows:

Amend
§ 26-1113

(1) Subsection (a)(1) is amended by striking the phrase “to be occupied by the borrower”.

(2) Subsection (a-1) is amended as follows:

(A) Paragraph (1) is amended to read as follows:

“(a-1)(1) Within 3 business days of an application for a non-conventional mortgage loan, the licensee shall provide to the borrower the written disclosures executed by the lender that are required under this section.”.

(B) Paragraph (3)(J) through (L) are amended to read as follows:

“(J) \$ _____/month = Your principal + initial interest + taxes and insurance.

“(K) \$ _____/month = Your principal + adjusted interest + taxes and insurance.

“(L) \$ _____/month = Your principal + maximum interest + taxes and insurance.”.

(C) Paragraph (9) is amended to read as follows:

“(9) Within 5 business days of receiving the information pursuant to this section, the borrower may cancel the application for a mortgage loan with no loss of any security deposit or any other funds applied to guarantee an interest rate, not including reasonable fees incurred to process the application. The borrower shall be notified of this right to cancel at the time the information pursuant to this section is provided.”.

(i) Section 15 (D.C. Official Code § 26-1114) is amended as follows:

Amend
§ 26-1114

(1) Subsection (a) is amended as follows:

(A) The lead-in text is amended by striking the phrase “mortgage broker or lender” wherever it appears and inserting the phrase “mortgage broker, mortgage lender, mortgage loan originator, or loan officer” in its place.

(B) Paragraph (11) is amended to read as follows:

“(11) Engage in the business as a mortgage loan originator, mortgage lender, loan officer, or mortgage broker, or hold himself out to the public to be a mortgage loan originator, loan officer, mortgage lender, or mortgage broker, without a license under section 5 or without an exemption under section 3.”.

(2) A new subsection (d) is added to read as follows:

“(d) A licensee or any person required to be licensed under this act shall not:

“(1) Directly or indirectly employ any scheme, device, or artifice to defraud or mislead borrowers or lenders or to defraud any person;

“(2) Engage in any unfair or deceptive practice toward any person;

ENROLLED ORIGINAL

“(3) Obtain property by fraud or misrepresentation;

“(4) Solicit or enter into a contract with a borrower that provides in substance that the person or individual subject to this act may earn a fee or commission through “best efforts” to obtain a loan even though no loan is actually obtained for the borrower;

“(5) Solicit, advertise, or enter into a contract for specific interest rates, points, or other financing terms unless the terms are actually available at the time of soliciting, advertising, or contracting;

“(6) Assist or aid or abet any person in the conduct of business under this act without a valid license as required under this act;

“(7) Fail to make disclosures as required by this act and any other applicable federal or District law, including regulations thereunder;

“(8) Fail to comply with this act or rules promulgated under this act, or fail to comply with any other federal or District law, including the rules and regulations thereunder, applicable to any business authorized or conducted under this act;

“(9) Make, in any manner, any false or deceptive statement or representation, including with regard to the rates, points, or other financing terms or conditions for a residential mortgage loan, or engage in bait-and-switch advertising;

“(10) Negligently make any false statement or knowingly and willfully make any omission of material fact in connection with any information or reports filed with a governmental agency or the NMLSR or in connection with any investigation conducted by the Commissioner or another governmental agency;

“(11) Make any payment, threat, or promise, directly or indirectly, to any person for the purposes of influencing the independent judgment of the person in connection with a residential mortgage loan, or make any payment, threat, or promise, directly or indirectly, to any appraiser of a property for the purposes of influencing the independent judgment of the appraiser with respect to the value of the property;

“(12) Collect, charge, attempt to collect or charge, or use or propose any agreement purporting to collect or charge any fee prohibited by this act;

“(13) Cause or require a borrower to obtain property insurance coverage in an amount that exceeds the replacement cost of the improvements as established by the property insurer; or

“(14) Fail to truthfully account for monies belonging to a party to a residential mortgage loan transaction.”.

(j) Section 17 (D.C. Official Code § 26-1116) is amended as follows:

Amend
§ 26-1116

(1) The lead-in text is amended by striking the phrase “mortgage lender or mortgage broker” and inserting the phrase “mortgage lender, mortgage broker, mortgage loan originator, or loan officer” in its place.

(2) Paragraph (2) is amended by striking the phrase “lender or broker” and inserting the phrase “mortgage lender, mortgage broker, mortgage loan originator, or loan officer” in its place.

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(k) Section 18 (D.C. Official Code § 26-1117) is amended as follows:

Amend
§ 26-1117

(1) Strike the word "Superintendent" wherever it appears and insert the word "Commissioner" in its place.

(2) Subsections (a) and (b) are amended by striking the word "licensee" and inserting the phrase "licensee or person required to be licensed under this act" in its place.

(3) Subsection (c) is amended by striking the phrase "Corporation Counsel" and inserting the phrase "Attorney General" in its place.

(l) Section 19 (b)(D.C. Official Code § 26-1118(b)) is amended as follows:

Amend
§ 26-1118

(1) Paragraph (1) is amended by adding a new sentence at the end to read as follows:

"The Commissioner may issue an order requiring a licensee or any person engaging in any activity or business within the scope of this act to show cause as to the reasons enforcement action should not be taken against such licensee or person."

(2) Paragraph (2) is amended by striking the phrase "\$1,000" and inserting the phrase "\$25,000" in its place.

(m) Section 20 (D.C. Official Code § 26-1119) is amended to read as follows:

Amend
§ 26-1119

"Sec. 20. Hearing procedures.

"(a) A person to whom an order is issued pursuant to section 18 or section 19 shall be given reasonable notice and the opportunity for a hearing as provided in this section. Upon the issuance of any order, the Commissioner shall notify the respondent, applicant, licensee, or person required to be licensed that the order has been entered and the reasons for the order. The order shall include a statement that the respondent, applicant, licensee, or person required to be licensed may submit a written request for a hearing within 20 days of receipt of the order.

"(b) The order under subsection (a) of this section shall be served by hand or by certified mail, return receipt requested at the last known address of the person required to be licensed or the last known address maintained in the Department of Insurance and Securities and Banking records for the applicant or licensee.

"(c) If the person to whom an order has been issued fails to request a hearing within 20 days of receipt or delivery of the order, the person shall be deemed in default and the order shall, on the 21st day, become permanent and remain in full force and effect until and unless later modified or vacated by the Commissioner."

(n) Section 21 (D.C. Official Code § 26-1120) is amended by striking the phrase "mortgage lender or mortgage broker" and inserting the phrase "mortgage lender, mortgage broker, mortgage loan originator, or loan officer" in its place.

(o) New sections 21a, 21b, and 21c are added to read as follows:

"Sec. 21a. Confidential information.

"(a) To assist in the performance of the Commissioner's duties under this act, the Commissioner may:

"(1) Share documents, materials, or other information, including confidential and privileged documents, materials, or information subject to this act, with other local, state,

ENROLLED ORIGINAL

federal, and international regulatory agencies, with the Conference of State Bank Supervisors, SRR, NMLSR, their affiliates, or subsidiaries, or with state, federal, and international law enforcement authorities; provided, that the recipient agrees to maintain the confidentiality and privileged status of the document, material, or other information;

“(2) Receive documents, materials, or information, including confidential and privileged documents, materials, or other information, from the Conference of State Bank Supervisors, SRR, NMLSR, their affiliates, or subsidiaries, or from regulatory and law enforcement officials of foreign or other domestic jurisdictions, and shall maintain as confidential or privileged any document, material, or information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material, or information;

“(3) Enter into agreements with the entities set forth in paragraph (1) of this subsection governing sharing and use of information consistent with this act;

“(4) Authorize a national criminal background check and submission of fingerprints and other identifying information, submitted through the NMLSR, and other information with, and receive criminal history record information from, the NMLSR, the Metropolitan Police Department, and the Federal Bureau of Investigation for the purposes of facilitating determinations regarding eligibility for licensure under this act; or

“(5) Contract with a third party, including the SRR, the Conference of State Bank Supervisors, or its affiliates or subsidiaries, to perform any functions, including the collection of licensing and processing fees, collection of contact information and other identifying information, fingerprints, written consent to a criminal background check, personal history and experience, and conduct of examinations related to mortgage loan originator, loan officer, mortgage lender, or mortgage broker activities, that the Commissioner may consider appropriate.

“Sec. 21b. Nationwide Mortgage Licensing System and Registry reporting requirements.

“(a) The Commissioner shall regularly report violations of this act, as well as enforcement actions and other relevant information, to the NMLSR. The reports shall be subject to the provisions of section 21a.

“(b) Each licensee shall submit to the NMLSR reports of condition, which shall be in such form and shall contain such information as the NMLSR may require.

“Sec. 21c. Nationwide Mortgage Licensing System and Registry information challenge process.

“The Commissioner shall establish a process whereby licensees may challenge information entered into the NMLSR by the Commissioner.”.

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Sec. 3. Applicability.

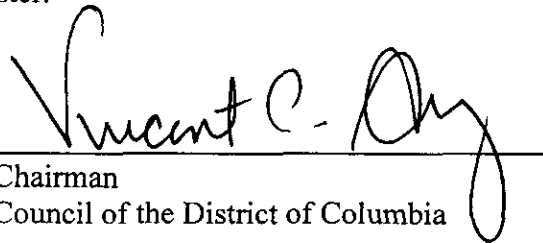
Except for section 2(c)(1), (g), (j), and (o), this act shall not apply until the Commissioner of the Department of Insurance, Securities, and Banking has promulgated rules implementing this act.

Sec. 4. Fiscal impact statement.

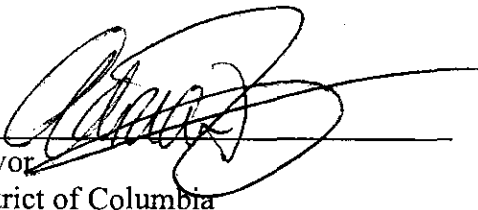
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
May 20, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-90

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 20, 2009*Codification
District of
Columbia
Official Code*

2001 Edition

2009 Summer
Supp.West Group
Publisher

To order the closing of a portion of 3rd Street, S.E., between Tingey Street, S.E., and the Anacostia River, the closing of a portion of 4th Street, S.E., between Tingey Street, S.E., and the Anacostia River, the closing of a portion of 5th Street, S.E., between M Street, S.E., and the Anacostia River, the closing of a portion of 6th Street, S.E., between M Street, S.E., and Potomac Avenue, S.E., the closing of a portion of N Street, S.E., between 1st Street, S.E., and Canal Street, S.E., the closing of a portion of N Street, S.E., between 2nd Street, S.E., and 4th Street, S.E., and the closing of a portion of Potomac Avenue, S.E., between Public Space in Square W-771 and Isaac Hull Avenue, S.E., and the dedication of a new street running east and west between 1st Street, S.E., and Canal Street, S.E., and between Canal Street, S.E., and Public Space in Square W-771, to be designated N Street, S.E., the dedication of a new street running east and west between 2nd Street, S.E., and 5th Street, S.E., to be designated Water Street, S.E., the dedication of a new street running east and west between 4th Street, S.E., and 5th Street, S.E., to be designated Tingey Street, S.E., and the dedication of 4 new streets running north and south between Tingey Street, S.E., and Water Street, S.E., to be designated as 2nd Street, S.E., 3rd Street, S.E., 4th Street, S.E., and 5th Street, S.E., in Ward 6; and to amend the Dedication and Designation of Portions of New Jersey Avenue, S.E., 4th Street, S.E., and Tingey Street, S.E., S.O. 03-1420, Act of 2004 to correct an error in the description of the area included within the Tingey Street, S.E., right-of-way to exclude a portion of an historic building known as Building 160 from the right-of-way, and to require the Office of the Surveyor to amend its records to reflect the correction.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing, Dedication, and Designation of Public Streets at The Yards Act of 2009".

Sec. 2. Pursuant to section 201 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-202.01 *et seq.*) ("Act"), the Council finds that portions of the streets in Squares 743, 744, W-771, 771, 802, 803, 826, 827, 853, 883 and 884, as shown on the Surveyor's plat filed under S.O. 07-8801, are unnecessary for street purposes and orders them closed, with title to the land

ENROLLED ORIGINAL

to vest as shown on the Surveyor's plat. The approval of the Council of this closing is contingent upon the satisfaction of all conditions set forth in the official S.O. File 07-8801.

Sec. 3. (a) Pursuant to sections 302 and 401 of the Act (D.C. Official Code §§ 9-203.02 and 9-204.01), and notwithstanding the requirements of section 303(a), (b), and (c)(2) and section 304 of the Act (D.C. Official Code §§ 9-203.03(a), (b), and (c)(2) and 9-203.04), the Council accepts the dedication of land as shown on the Surveyor's plat filed under S.O. 07-8802 and designates the streets as N Street, S.E., 2nd Street, S.E., 3rd Street, S.E., 4th Street, S.E., 5th Street, S.E., Water Street, S.E., and Tingey Street, S.E., as shown on the Surveyor's plat filed under S.O. File 07-8802. Note,
§ 9-203.02

(b) The Council's acceptance of the dedication of land described in subsection (a) of this section is contingent upon the issuance of the written statement by the District Department of Transportation required by section 303(c)(1) of the Act (D.C. Official Code § 9-203.03(c)(1)) ("DDOT Statement"); except, that the DDOT Statement shall not be required if the District of Columbia, acting through the District Department of Transportation, and Forest City SEFC, LLC, have executed an agreement governing the acceptance and dedication of street improvements in the Southeast Federal Center and the agreement is in full force and effect.

(c) Nothing in this section shall be deemed to waive any laws, regulations, rules, or orders that are applicable to the construction of improvements on the land dedicated pursuant to this section.

Sec. 4. Notwithstanding section 6 of An Act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities, and for other purposes, approved June 28, 1898 (30 Stat. 520; D.C. Official Code § 9-101.06), the Council amends the Permanent System of Highways by adding the area of land shown on the Surveyor's plat filed in S.O. File 07-8802.

Sec. 5. Pursuant to section 401 (D.C. Official Code § 9-204.01) and notwithstanding section 402 of the Act (D.C. Official Code § 9-204.02), the dedication of land as described in section 3 and on the Surveyor's plat filed in S.O. 07-8802 shall be designated as follows: Note,
§ 9-204.01

(1) The eastern extension of Tingey Street, S.E., between 4th Street, S.E., and 5th Street, S.E., shall be designated as Tingey Street, S.E.

(2) The western extension of N Street, S.E., (Closed) between 1st Street, S.E., and Canal Street, S.E., and between Canal Street, S.E., and Public Space in Square W-771 shall be designated as N Street, S.E.

(3) The southern most street running east-west shall be designated as Water Street, S.E.

(4) The eastern most street running north-south shall be designated as 5th Street, S.E.

ENROLLED ORIGINAL

(5) The southern extension of 4th Street, S.E., shall be designated as 4th Street, S.E.

(6) The north-south street between Public Space in Square W-771 and 4th Street, S.E., shall be designated as 3rd Street, S.E.

(7) The western most street running north-south shall be designated as 2nd Street, S.E.

Sec. 6. All references in this act to the Surveyor's plat filed under S.O. 8801 shall refer to the plat that is entitled "Public Streets Closed," which depicts Canal Street, S.E., at a right-of-way width of 80 feet, and all references in this act to the Surveyor's plat filed under S.O. 07-8801 shall refer to the plat that is entitled "Public Streets Dedicated" and marked by hand "Revised," and which depicts 2nd Street, S.E., at a right-of-way width of 43 feet.

Sec. 7. The Dedication and Designation of Portions of New Jersey Avenue, S.E., 4th Street, S.E., and Tingey Street, S.E., S.O. 03-1420, Act of 2004, effective April 8, 2005 (D.C. Law 15-310; 52 DCR 1720), is amended as follows:

(a) Section 2 (D.C. Official Code § 9-203.02, note) is amended as follows:

Note,
§ 9-203.02

(1) Subsection (a)(1) is amended by striking the phrase "provided, that" and inserting the phrase "provided, that the dedication of land, in fee, for street purposes of Tingey Street shall exclude the land that is located under the existing historic building known as Building 160, consisting of approximately 2,577 square feet, as such land is depicted on a certain survey, prepared by AMT, LLC, to mark and map ("excluded land") and recorded in the records of the Office of the Surveyor on February 25, 2008, as Map RS-126 and prepared in conjunction with a plat in Survey Book 1000 at page 203 and also known as Map No. RS-126; and, provided further, that" in its place.

(2) A new subsection (c) is added to read as follows:

"(c) On July 16, 2008, the excluded land, as described in subsection (a)(1) of this section, shall revert to and be vested in the United States of America, acting by and through the Administrator of the General Services Administration."

(b) Section 5 is amended as follows:

(1) Designate the existing text as subsection (a).

(2) A new subsection (b) is added to read as follows:

"(b) The plat entitled "Public Streets Dedicated and Easement Established, Square 770" and recorded in Subdivision Book 202 at page 26 among the records of the Office of the Surveyor ("Office"), filed under S.O. 03-1420, shall be amended by the Surveyor to reflect the excluded land within Tingey Street described in subsection (a)(1) of this section. The Surveyor shall correct any other plats or surveys in the Office's records considered necessary by the Surveyor to reflect the excluded land."

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Sec. 8. Transmittal.

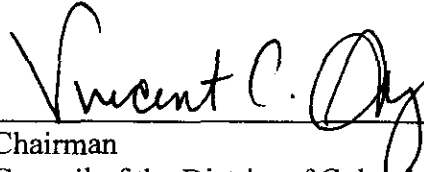
The Secretary to the Council shall transmit a copy of this act, upon its effective date, to the Office of the Surveyor and the Office of the Recorder of Deeds.

Sec. 9. Fiscal impact statement.

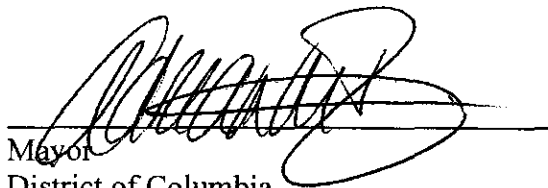
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 10. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
May 20, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-91

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 20, 2009

To approve, on an emergency basis, Modification No. 20 and proposed Modification No. 21 to Contract No. POAM-2004-D-0015-DW to provide citywide security and related services and to authorize payment for the services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. POAM-2004-D-0015-DW Modifications Approval and Payment Authorization Emergency Act of 2009".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), Modification No. 20 and proposed Modification No. 21 to Contract No. POAM-2004-D-0015-DW with Hawk One Security, Inc., to provide citywide security and related services are approved and payment in the amount of \$3,499,999 is authorized for services received and to be received in option year 3 of the contract.

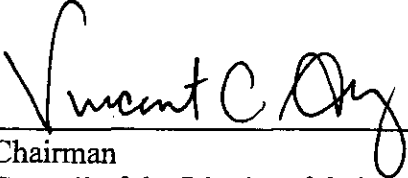
Sec. 3. Fiscal impact statement.

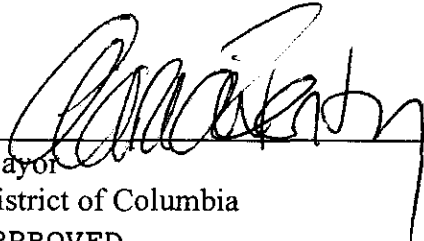
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia

ENROLLED ORIGINAL

in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
May 20, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-92

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 20, 2009

To order, on an emergency basis, the closing of a portion of Anacostia Avenue between Foote Street, N.E., and Grant Place, N.E., abutting Square 5041, the closing of a portion of Burnham Place, N.E., and Grant Place, N.E., between Kenilworth Terrace and Parkside Place, abutting Squares 5041 and 5056, and the elimination of building restriction lines in Squares 5041 and 5056, bounded by Anacostia Avenue, N.E., Foote Street, N.E., Kenilworth Terrace, N.E., and Hayes Street, N.E., in Ward 7.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Kenilworth-Parkside Partial Street Closure, S.O. 07-1213, S.O. 07-1214, and Building Restriction Line Elimination, S.O. 07-1212, Emergency Act of 2009".

Sec. 2. Pursuant to section 201 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-202.01), the Council finds as follows:

(1) The 15-foot portion of Anacostia Avenue abutting Square 5041, as shown on the Surveyor's plat filed under S.O. 07-1213, is unnecessary for street purposes and orders it closed, with title to the land to vest as shown on the Surveyor's plat. The approval of the Council of this closing is contingent upon the satisfaction of all the conditions set forth in the official S.O. File 07-1213.

(2) The portion of Burnham Place and Grant Place abutting Squares 5041 and 5056, as shown on the Surveyor's plat filed under S.O. 07-1214, is unnecessary for street purposes and orders it closed, with title to the land to vest as shown on the Surveyor's plat. The approval of the Council of this closing is contingent upon the satisfaction of all the conditions set forth in the official S.O. File 07-1214, including the establishment of a pedestrian easement as shown on the Surveyor's plat.

Sec. 3. The Council finds that the 10-foot building restriction lines in Squares 5041 and 5056, as shown on the Surveyor's plat filed under S.O. 07-1212, are unnecessary and orders them eliminated, notwithstanding the objection set forth by the District Department of Transportation in the official file of S.O. 07-1212.

ENROLLED ORIGINAL

Sec. 4. Transmittal.

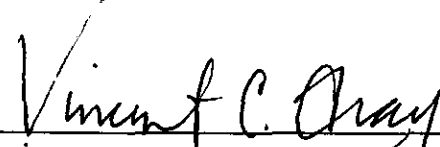
The Secretary to the Council shall transmit a copy of this act, upon its effective date, to the Office of the Surveyor and the Office of the Recorder of Deeds.

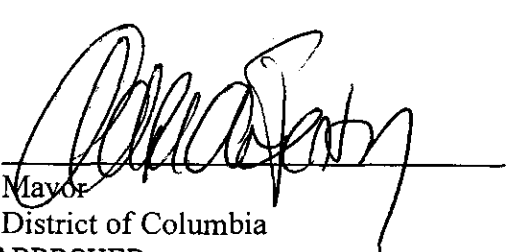
Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Kenilworth-Parkside Partial Street Closure, S.O. 07-1213, S.O. 07-1214, and Building Restriction Line Elimination, S.O. 07-1212, Act of 2009, passed on 2nd reading on May 5, 2009 (Enrolled version of Bill 18-123), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia

APPROVED
May 20, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-93

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 20, 2009*Codification
District of
Columbia
Official Code*

2001 Edition

2009 Summer
Supp.West Group
Publisher

To amend, on emergency basis, An Act To establish and provide for the maintenance of a free public library and reading room in the District of Columbia to grant the Board of Library Trustees the authority to procure goods and services independent of the Office of Contracting and Procurement and the requirements of the District of Columbia Procurement Practices Act of 1985 ("PPA"), except for provisions of the PPA pertaining to contract protests, appeals, and claims, and to make the independent procurement authority of the Board of Library Trustees contingent upon it issuing procurement regulations that have been approved by the Council; and to amend the PPA to exempt the Board of Library Trustees from the provisions of the act except for those provisions pertaining to contract protests, appeals, and claims.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "DCPL Procurement Emergency Amendment Act of 2009".

Sec. 2. Section 5 of An Act To establish and provide for the maintenance of a free public library and reading room in the District of Columbia, approved June 3, 1896 (29 Stat. 244; D.C. Official Code § 39-105), is amended as follows:

*Note,
§ 39-105*

(a) Subsection (a) is amended as follows:

(1) Paragraph (1) is amended by striking all text after the semicolon.

(2) Paragraph (3) is amended to read as follows:

"(3) Have the authority to procure all goods and services necessary to operate the library system, independent of the Office of Contracting and Procurement and the requirements of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*) ("Act"), except as specified in section 320 of the Act, and in accordance with subsection (c) of this section;"

(b) A new subsection (c) is added to read as follows:

"(c)(1) The rules published at page 493 of volume 55 of the District of Columbia Register (55 DCR 493) are revived. The Board may exercise procurement authority consistent with rules published at page 493 of volume 55 of the District of Columbia Register (55 DCR 493) until the rules are amended or superseded.

ENROLLED ORIGINAL

“(2) Board may issue rules to implement this section. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution, within the 45-day period, the proposed rules shall be deemed disapproved.”.

Sec. 3. Section 320 of the District of Columbia Procurement Practices Act of 1985, effective April 12, 1997 (D.C. Law 11-259; D.C. Official Code § 2-303.20), is amended by adding a new subsection (r-1) to read as follows:

Note,
§ 2-303.20

“(r-1) Nothing in this act shall affect the authority of the Board of Library Trustees, except that Title IX shall apply to contract protests, appeals, and claims arising from procurements of the Board of Library Trustees.”.

Sec. 4. Applicability.

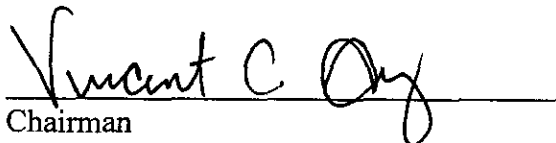
This act shall apply as of March 2, 2009.


Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED

May 20, 2009
Codification District of Columbia Official Code, 2001 Edition

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-94

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 26, 2009*Codification
District of
Columbia
Official Code*

2001 Edition

2009 Summer
Supp.West Group
Publisher

To amend, on an emergency basis, the Children and Youth Initiative Establishment Act of 1999 to provide that grants by the Mayor in excess of \$1 million be approved by the Council, and that the Mayor submit quarterly status reports on these grants.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Children and Youth Initiative Establishment Emergency Amendment Act of 2009".

Sec. 2. Section 2403 of the Children and Youth Initiative Establishment Act of 1999, effective October 20, 1999 (D.C. Law 13-38; D. C. Official Code § 2-1553), is amended as follows:

*Note,
§ 2-1553*

(a) Subsection (a) is amended by striking the phrase "The Mayor" and inserting the phrase "Subject to the requirements in subsection (a-1) of this section, the Mayor" in its place.

(b) A new subsection (a-1) is added to read as follows:

"(a-1) No grant may be awarded under this section in excess of \$1 million during a 12-month period, either singularly or cumulatively, unless the grant is submitted to the Council for approval, in accordance with section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), or by act."

(c) A new subsection (c) is added to read as follows:

"(c) Beginning October 1, 2009, the Mayor shall submit a quarterly status report to the Council for all grants in excess of \$1 million, which includes:

- "(1) Detailed grantee data;
- "(2) Performance measures and performance outcomes under each grant;
- "(3) The specific services provided to children and youth under each grant;
- "(4) The entity providing the services, if one other than the grantee;
- "(5) The time period of delivery of the services;
- "(6) The type of service provided;
- "(7) The actual amount paid for the services; and

ENROLLED ORIGINAL


“(8) The amount of other expenditures under the grant, if any.”.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
May 20, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-95

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 20, 2009*Codification
District of
Columbia
Official Code*

2001 Edition

2009 Summer
Supp.West Group
Publisher

To amend, on an emergency basis, Title III of the Washington Metropolitan Area Transit Regulation Compact, known as the Washington Metropolitan Area Transit Authority Compact, to clarify and amend sections of the Compact regarding Board Membership, Officers, and Payments, including amendments to clarify that the Administrator of General Services appoints the federal government representatives, to create an inspector general as an officer of the Washington Metropolitan Area Transit Authority, and to require that one of the federally appointed directors be a regular passenger and customer.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "WMATA Compact Consistency Emergency Amendment Act of 2009".

Sec. 2. Title III of the Washington Metropolitan Area Transit Regulation Compact, approved November 6, 1966 (80 Stat. 1324; D.C. Official Code § 9-1107.01), is amended as follows:

Note,
§ 9-1107.01

(a) Section 5 is amended as follows:

(1) Subsection (a) is amended as follows:

(A) Strike the phrase "of 6 Directors" and insert the phrase "of 8 Directors" in its place.

(B) Strike the phrase "Signatory. For Virginia," and insert the phrase "Signatory, and 2 for the federal government (one of whom shall be a regular passenger and customer of the bus or rail service of the Authority). For Virginia," in its place.

(C) Strike the phrase "and for Maryland, by the Washington Suburban Transit Commission" and insert the phrase "for Maryland, by the Washington Suburban Transit Commission; and for the federal government, by the Administrator of General Services" in its place.

(D) Strike the phrase "body. A Director" and insert the phrase "body. A Director for a Signatory" in its place.

(E) Strike the phrase "The appointing authorities shall also appoint an alternate for each Director, who may act only" and insert the phrase "The nonfederal appointing

ENROLLED ORIGINAL

authorities shall also appoint an alternate for each Director. In addition, the Administrator of General Services shall also appoint 2 nonvoting members who shall serve as the alternates for the federal Directors. An alternate Director may act only in its place.

(F) Strike the phrase "Each alternate shall serve" and insert the phrase "Each alternate, including the federal nonvoting Directors, shall serve" in its place.

(2) Subsection (b) is amended by striking the phrase "of the signatory" and inserting the phrase "of the Government" in its place.

(b) Section 9 is amended as follows:

(1) Subsection (a) is amended as follows:

(A) Strike the phrase "comptroller and" and insert the phrase "comptroller, an inspector general, and" in its place.

(B) Strike the phrase "manager and" and insert the phrase "manager, inspector general, and" in its place.

(2) Redesignate subsections (d) and (e) as subsections (e) and (f) respectively.

(3) A new subsection (d) is added to read as follows:

"(d) The inspector general shall report to the Board and head the Office of the Inspector General, an independent and objective unit of the Authority that conducts and supervises audits, program evaluations and investigations relating to Authority activities; promotes economy, efficiency and effectiveness in Authority activities; detects and prevents fraud and abuse in Authority activities; and keeps the Board fully and currently informed about deficiencies in Authority activities as well as the necessity for and progress of corrective action."

(c) Section 18 is amended by adding a new subsection (d) to read as follows:

"(d)(1) All payments made by the local Signatory governments for the Authority for the purpose of matching federal funds appropriated in any given year as authorized by Title VI of the Passenger Rail Investment and Improvement Act of 2008, approved October 16, 2008, (Pub. L. No. 110-432; 122 Stat. 4848), regarding funding of capital and preventive maintenance projects of the Authority shall be made from amounts derived from dedicated funding sources.

"(2) For the purposes of this subsection, a "dedicated funding source" means any source of funding that is earmarked or required under state or local law to be used to match federal appropriations authorized by Title VI of the Passenger Rail Investment and Improvement Act of 2008, approved October 16, 2008 (Pub. L. No. 110-432; 122 Stat. 4848), for payments to the Authority."

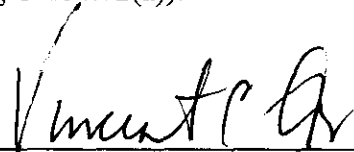
Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

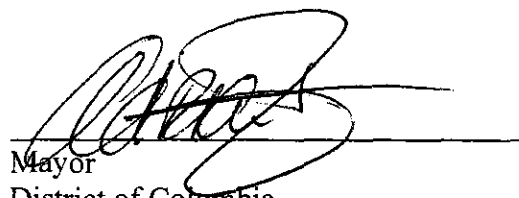
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Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED

May 20, 2009